

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	06-06013-01-CR-SJ-DW
ALVIN HARE,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on March 11, 2009. Defendant Alvin Hare appeared in person and with Assistant Federal Public Defender Anita Burns. The United States of America appeared by Assistant United States Attorney Paul Becker.

I. BACKGROUND

On July 18, 2006, an indictment was returned charging defendant with possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Becker announced that Joseph Vanover will be the trial counsel for the government. The case agent to be seated at

counsel table is Special Agent Randall Roberts, BATF.

Ms. Burns announced that she will be the trial counsel for defendant Alvin Hare.

III. OUTSTANDING MOTIONS

There is currently pending for ruling by me a motion to suppress (document numbers 18 and 24). A Report and Recommendation will be filed shortly.

IV. TRIAL WITNESSES

Mr. Becker announced that the government intends to call 12 witnesses without stipulations or 10 witnesses with stipulations during the trial.

Ms. Burns announced that defendant Alvin Hare intends to call 4 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Becker announced that the government will offer approximately 20 exhibits in evidence during the trial.

Ms. Burns announced that defendant Alvin Hare will offer approximately 5 exhibits in evidence during the trial.

VI. DEFENSES

Ms. Burns announced that defendant Alvin Hare will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Burns stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to prior felony conviction.

IX. TRIAL TIME

Counsel were in agreement that this case will take 1 to 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed October 9, 2008, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by March 11, 2009;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, March 18, 2009;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, March 18, 2009. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the following issues will probably be

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, March 20, 2009. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

filed: opinion testimony on gas station being cased for robbery.
There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on March 23, 2009.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
March 11, 2009

cc: The Honorable Dean Whipple
Mr. Kevin Lyon